
THIRD READING

Bill No: AB 2212
Author: Bauer-Kahan (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 6/17/26
AYES: Pérez, Ochoa Bogh, Choi, Cortese, Gonzalez, Reyes
NO VOTE RECORDED: Cabaldon

SENATE JUDICIARY COMMITTEE: 13-0, 6/23/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 9-0, 6/29/26
AYES: Cabaldon, Seyarto, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes,
Umberg, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 78-0, 5/26/26 - See last page for vote

SUBJECT: Postsecondary education: sexual harassment, harassment,
intimidation, and bullying policies: student training

SOURCE: Survivors + Allies

DIGEST: This bill expands the definition of sexual harassment by adding that it includes technology-facilitated sexual harassment, stalking, and sextortion. This bill expands the definition of sexual exploitation by adding that it includes the creation, generation, or distribution of digitized sexually explicit materials without the written consent of the depicted individual or individuals of each such act.

Senate floor amendments of 8/21/26 (1) delay implementation of the provisions of this bill to August 1, 2027; (2) remove definitions for “cyber sexual bullying”,

“cyber stalking”, “doxing”, “electronic act”, and “written consent”; (3) add a definition for “stalking” consistent with federal law; (4) clarify the definition of “sexual exploitation”; (5) add “stalking” and “sextortion” to the definition of “sexual harassment”; and (6) other technical and clarifying changes.

ANALYSIS:

Existing federal law:

- 1) Establishes Title IX, providing that, in part, “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.” (United States Code (USC) Title 20, Chapter 38, § 1681 (commonly known as Title IX))
- 2) Defines stalking as engaging in a course of conduct directed at a specific person that could cause a reasonable person to: a) fear for his or her safety or the safety of others, or b) suffer substantial emotional distress. (USC Title 34, Chapter 121, § 12291)
- 3) Defines sexual harassment as a form of sex discrimination and as conduct on the basis of sex that satisfies at least one of the following:
 - a) *Quid pro quo harassment*. An employee of the postsecondary education institution conditions aid, benefit, or services to a postsecondary education institution’s education program or activity on the individual’s participation in unwelcome sexual conduct.
 - b) *Hostile environment harassment*. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.
 - c) *Specific offenses*. Sexual assault, dating violence, domestic violence, and stalking, as defined in the USC. (Code of Federal Regulations (CFR), Title 34, Subtitle B, Chapter 1, Part 106, Subpart A, § 106.2)

Existing state law:

- 1) Defines the following terms:

- a) “Affirmative consent” as affirmative, conscious, and voluntary agreement to engage in sexual activity. (Education Code (EC) § 67386)
 - b) “Sexual harassment” as unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting in which specific conditions are met. “Sexual harassment” also includes sexual battery, sexual violence, and sexual exploitation.
 - c) “Sexual violence” as physical sexual acts perpetrated against a person without the affirmed consent of the person, and these acts include rape and sexual battery.
 - d) “Sexual exploitation” means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, including, but not limited to: prostituting or trafficking of another person, or the nonconsensual recording or distribution of images or audio of another person’s sexual activity or intimate parts. (EC § 66262.5)
- 2) Requires each postsecondary educational institution that receives state financial assistance, beginning on September 1, 2024, to annually train its students on sexual violence and sexual harassment, and consider updating the annual training every two years thereafter beginning September 1, 2026. (EC § 67385.7)
- 3) Requires the governing board of the community college district (CCD) and the Trustees of the California State University (CSU), and requests of the Regents of the University of California (UC) and governing boards of independent colleges and universities that receive state financial assistance, as part of the hiring process for an appointment to an academic, athletic, or administrative position with their respective campuses, to:
- a) Require an applicant to disclose any final administrative or judicial decision issued within the last 7 years from the date of submission of the application determining that the applicant committed sexual harassment, and permit applicants to disclose if they have filed an appeal with the previous employer or with the United States Department of Education.
 - b) Require the campuses, if an applicant reaches the final stages of the application process for the specified position, to use a specified signed

release form to engage in a reasonable attempt to obtain information from the previous employer concerning any substantiated allegations of misconduct. (EC §§ 87604.5, 89521, 92612.1, and 66281.9)

- 4) Provides that a depicted individual has a cause of action against a person who does any of the following:
 - a) Creates and intentionally discloses digitized sexually explicit material portraying the depicted individual, and the person knows, or reasonably should know, that the depicted individual in that material did not consent to its creation or disclosure or was a minor when the material was created.
 - b) Intentionally discloses digitized sexually explicit material portraying the depicted individual that the person did not create, and the person knows, or reasonably should know, that the depicted individual in that material did not consent to the creation of the digitized sexually explicit material or was a minor when the material was created. (Civil Code § 1708.86)

This bill:

- 1) Delays implementation of the provisions of this bill to August 1, 2027.
- 2) Adds the following definitions and stipulations:
 - a) “Depicted individual” means an individual who is portrayed in sexually explicit material.
 - b) “Digitization” means a process by which any of the following are realistically depicted: i) the nude body parts of another human being as the nude body parts of the depicted individual, ii) computer-generated nude body parts as the nude body parts of the depicted individual, and iii) the depicted individual engaging in sexual conduct in which the depicted individual did not engage.
 - c) “Digitized sexually explicit material” means any portion of a visual or audiovisual work created or substantially altered through digitization, including an image, that shows the depicted individual in the nude or appearing to engage in, or being subjected to, sexual conduct.

- d) “Sextortion” means a threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.
 - e) “Sexual conduct” means any of the following: i) masturbation; ii) sexual intercourse; iii) sexual penetration of the vagina or rectum by, or with, an object; iv) the transfer of semen by means of sexual conduct from the penis directly onto the depicted individual as a result of ejaculation; and v) sadomasochistic abuse involving the depicted individual.
 - f) Expands the definition of “sexual exploitation” by adding that it includes:
 - i) The creation or generation of digitized sexually explicit materials without the depicted individual’s written consent.
 - ii) The distribution of digitized sexually explicit materials, if the individual distributing the materials knows or should have known that the depicted individual did not provide written consent to the disclosure.
 - g) Expands the definition of “sexual harassment” by adding that it includes stalking, sextortion, and technology-facilitated sexual harassment.
 - h) “Stalking” means engaging in a course of conduct directed at a specific person that could cause a reasonable person to do either of the following: i) fear for their safety or the safety of others, or ii) suffer substantial emotional distress.
 - i) “Technology-facilitated sexual harassment” means sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies.
- 3) Provides updated definitions of sexual harassment and sexual violence, as appropriate, for the following:
- a) Requiring the governing board of CCDs and Trustees of the CSU, and requesting of the Regents of the UC and governing boards of independent colleges and universities, that applicants to disclose if they have committed sexual harassment.
 - b) Requiring the governing board of CCDs and Trustees of the CSU, and requesting of the UC, to provide educational and preventive information

about sexual violence to students at all campuses of their respective segments and to provide annual training on sexual violence and sexual harassment.

- c) Requiring CCC and CSU campuses, and requests of UC campuses, to develop policies to encourage students to report any campus crimes involving sexual violence.

Comments

- 1) *Need for the bill.* According to the author, “The definition of “sexual harassment” in California’s Education Code was developed before generative artificial intelligence tools became widely available. As a result, higher education institutions lack uniform standards for defining, investigating, and remediating technology-facilitated sexual harassment. AB 2212, the HEAR Survivors Act, updates the definition of “sexual harassment” in the Education Code to account for modern digital technologies, and requires that California’s higher education institutions adopt and publish policies addressing technology-facilitated sexual harassment. Updating these terms and policies in the Education Code promotes consistent campus responses, reduces stigma, and reinforces that digital abuse is no less serious than offline misconduct.”
- 2) *This bill expands definitions of sexual harassment and sexual exploitation.* AB 2212 intends to address sexual harassment that is aided or facilitated through the internet, smartphones, and the rise of generative artificial intelligence, including the availability of free and widespread text-to-image models that can quickly generate digital images with a written prompt.

This bill uses existing definitions from the Education Code and other Codes and consolidates them in one section under the Equity in Higher Education Act. Though many of these definitions are not new to state law or to the Education Code, this is the first time they are being considered as part of the definition of sexual harassment and sexual exploitation on college campuses.

At a high level, this bill expands the definitions of sexual harassment and sexual exploitation and requires these expanded definitions be included in a postsecondary educational institution’s annual training for students, updating and posting educational and preventive information on sexual violence, and updating employment and hiring processes to require applicants to disclose if they have committed sexual harassment.

- a) For “sexual harassment”, this bill expands the definition by adding that it includes a new type of sexual harassment defined as technology-facilitated sexual harassment, which is sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies. This bill also adds stalking and sextortion to the definition of sexual harassment.
 - i) For “stalking”, this definition is consistent with the federal Clery Act, which requires colleges and universities to report campus crime data, support victims of violence, and publicly outline the policies and procedures put in place to improve campus safety. This bill adds stalking as a form of sexual harassment.
 - ii) For “sextortion”, this is defined elsewhere in the Education Code by AB 2932 (Joe Patterson, Chapter 118, Statutes of 2024), which requires the Instructional Quality Commission (IQC) to consider including content on sextortion in the health curriculum framework. This bill adds sextortion as a form of sexual harassment.
 - b) For “sexual exploitation”, this bill expands the definition by adding the creation, generation, or distribution of digitized sexually explicit materials without a depicted person’s written consent.
- 3) *Standards of affirmative consent and written consent.* Existing state processes for the prevention of sexual harassment on college campuses generally use an affirmative consent standard, which is currently defined in the Education Code as affirmative, conscious, and voluntary agreement to engage in sexual activity. This bill largely references affirmative consent consistent with existing Education Code; however, this bill expands the definition of sexual exploitation by including the creation, generation, or the distribution of digitized sexually explicit materials without the depicted individual’s *written consent*. This requirement is consistent with language in the Civil Code; specifically, SB 621 (Bauer-Kahan, Chapter 673, Statutes of 2025) provides that a depicted individual (known as a person who is portrayed in sexually explicit material) has a cause of action against a person who creates and intentionally discloses digitized sexually explicit material portraying the depicted individual if the depicted individual did not provide *written consent*. Colleges and universities would need to reconcile the two different consent standards depending on the type of misconduct, which will likely require widespread student, faculty, and staff training and education.

Related/Prior Legislation

AB 621 (Bauer-Kahan, Chapter 673, Statutes of 2025) fortifies existing law providing a cause of action to persons depicted in nonconsensual, sexually explicit, digitized material.

SB 493 (Jackson, Chapter 303, Statutes of 2020) requires postsecondary institutions to adopt rules and procedures for the prevention of sexual harassment, and adopt and post on their websites the grievance procedures to resolve complaints of sexual harassment.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee on the version of this bill amended on August 13, 2026:

- The UC estimates General Fund implementation costs in the mid-hundreds of thousands annually. This estimate assumes that an additional .5 FTE at each location at a cost of \$700,000 (\$75,000 x 10 campuses) would be required to support increased workload and administrative costs to manage complex dual-track case evaluations, as compliance officers must manually vet and cross-reference every report against existing federal frameworks, expanded state statutory criteria, and campus policies. The UC also notes there would be modest one-time resource and financial impacts for staff training on new and expanded definitions, required updates to campus orientations and training modules, and actions required to ensure accessibility and appropriate translations.
- The CSU estimates one-time General Fund costs in the low hundreds of thousands of dollars for various administrative activities necessary to implement the bill's provisions, including the updating of its systemwide nondiscrimination policy to include the new definitions, and ensuring that student conduct policies regarding bullying cover what is specified in the bill. The CSU also estimates minor, ongoing costs for providing information related to bullying, harassment, and intimidation at new student orientations.
- The Chancellor's Office for the California Community Colleges estimates that the costs to community college districts would likely be minor.

SUPPORT: (Verified 8/24/26)

Survivors + Allies (source)

ACLU California Action

ASUC Sexual Violence Commission

Cal State Student Association

California Commission on the Status of Women and Girls

California Women's Law Center

Courage California

Electronic Frontier Foundation

Kapor Center Advocacy

Public Counsel

Survivors Pro Bono

TechNet

UltraViolet Action

Undergraduate Student Association Council at the University of California, Los Angeles

University of California Student Association

VALOR

Young Data Scientists League

OPPOSITION: (Verified 8/24/26)

Foundation for Individual Rights and Expression

ASSEMBLY FLOOR: 78-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez

Prepared by: Michelle Nguyen / ED. / (916) 651-4105
8/24/26 13:13:06

**** **END** ****